

REMARKS

Applicants respectfully traverse and request reconsideration.

The Election/Restriction alleges that there are distinct species directed to two different species, namely a species corresponding to FIG. 8A and the species corresponding to FIG. 8B. There are no other statements made or any reasoning given. As set forth below, the Restriction is believed to be improper and should be withdrawn.

The Restriction Requirement is improper and should be withdrawn since it does not provide any reasoning for the alleged restriction. As stated in the MPEP, "Examiners must provide reasons and/or examples to support conclusions...to support the restriction requirement..." (MPEP 803, pg 800-4) Furthermore reasons as to species need to be provided. (See MPEP, 809.02(a) and form paragraphs 8.01 and "Examiner's Note" indicating that the rejection needs to explain "why the inventions are independent or distinct. (See e.g., form paragraphs 814.01 and 820.02.)" The election/restriction requirement in the instant case provides no reasoning as to why the species are allegedly patentably distinct and as such, the restriction is improper and should be withdrawn.

Also there are no claims identified that correspond to the alleged two species and no evidence that claims were compared to determine which ones are directed to allegedly distinct subject matter. As stated in the MPEP, "In passing on questions of...restriction, it is the claimed subject matter that is considered and must be compared in order to determine the question of distinctness or independence." (MPEP 806.01, pg 800-42). Also there is no indication as to whether there is a generic claim. The restriction is improper and should be withdrawn.

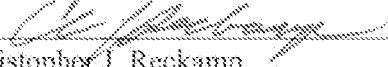
To the extent necessary, Applicants respectfully elect claims 1-18, 25-39, 46-73 and 80-88 to be examined. Remaining claims 19-24, 40-45 and 74-79 should be withdrawn if the

Restriction Requirement is maintained as it is believed that these claims are directed to disclosure and FIG. 8B.

Applicants' attorney invites the Examiner to contact Applicants' attorney at the below listed number if the Examiner believes that a telephone conference would help expedite the prosecution of the application.

Respectfully submitted,

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